

REMARKS

In the Final Office Action,¹ the Examiner objected to claim 14; rejected claims 1-3, 6, 8, 15-19, and 21-24 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0143805 to Hayes et al. ("Hayes") in view of U.S. 6,914,551 to Vidal ("Vidal"); rejected claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Hayes in view of Vidal, and further in view of U.S. Patent Application Publication No. 2003/0237043 to Novak et al. ("Novak"); rejected claims 5 and 9-13 under 35 U.S.C. § 103(a) as being unpatentable over Hayes in view of Vidal, and further in view of Japanese Patent No. JP 09-023487 to Hideyuki ("Hideyuki"); and rejected claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Hayes in view of Vidal, and further in view of U.S. Patent Application Publication No. 2005/0149870 to Van Ee et al. ("Van Ee").

Upon entry of this amendment, claims 1-3, 5-19, and 21-24 would remain pending and under current examination. Applicant proposes to amend claims 1, 7, 14, 18, 19, 21, 23, and 24.

Applicant proposes to amend claim 14 to obviate the objection to "the selection means" as lacking antecedent basis.

Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 1-3, 6, 8, 15-19, and 21-24 under 35 U.S.C. § 103(a) as being unpatentable over Hayes in view of Vidal. A *prima facie* case of obviousness has not been established at least because the differences between the prior art and Applicant's

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

claims are such that it would not have been obvious for one of ordinary skill in the art at the time of the invention to modify the prior art to arrive at Applicant's claimed invention.

Independent claim 1, for example, recites a control apparatus controlling an information processing apparatus, including "detection means for detecting an information processing apparatus through wireless communication; first display means for displaying, based only on detecting the information processing apparatus, a temporary operation screen for controlling the information processing apparatus until receiving operation screen information from the information processing apparatus" (emphases added). Neither Hayes nor Vidal, taken individually or in combination, teaches or suggests displaying the claimed "temporary operation screen" before acquiring operation screen information, as recited by claim 1.

The Examiner alleges that Hayes discloses "a teaching of temporary operation screens in the sense that the generic operation screen is able to be customized by adding new buttons to the screen." Office Action at 4. Applicant disagrees. Hayes discloses that a user can use a "move key sub-application . . . to move the channel up function for the TV device such that it is accessible from the VCR device screen." Hayes, paragraph 0123. The customization process of Hayes does not allow for "controlling the information processing apparatus," as required by claim 1. It is only for establishing or customizing a screen. Hayes discloses that a user may move buttons and then execute a "learn sub-application," "label new device keys," and "teach the remote control a new function." Hayes, paragraphs 0124-0126. Only "[a]fter the user has fully personalized the subject remote control, those settings may be locked into place," making the remote control ready for use. Hayes, paragraph 0133. Therefore,

the screens displayed by Hayes for customization are not “temporary operation screens for controlling the information processing apparatus,” as required by claim 1.

Further, requiring user interaction does not constitute a teaching or suggestion of displaying a temporary operation screen “based only on detecting the information processing apparatus,” as required by claim 1. And, Hayes does not teach or suggest displaying the alleged temporary operation screen “until receiving operation screen information from the information processing apparatus,” as required by claim 1. Instead, Hayes displays the customization screen until a user “has fully personalized the subject remote control.” Hayes, paragraph 0133.

Vidal fails to cure the deficiencies of Hayes, nor does the Examiner rely on Vidal for such teachings. Indeed, Vidal discloses: “After selecting an appliance . . . , remote control 102 . . . download[s] menu specifications.” Vidal, 5:65-67 (emphasis added). Vidal therefore forces a user to wait for a menu to download before allowing a user to control a device. In contrast to Hayes and Vidal, claim 1 allows a user to control an “information processing apparatus” with a “temporary operation screen” while “acquiring operation screen information of a plurality of information processing apparatuses.”

Because neither Hayes nor Vidal, taken individually or in combination, teaches or suggests the claimed “temporary operation screen,” no *prima facie* case of obviousness has been established for claim 1. Independent claims 18, 19, 21, 23, and 24, although of different scope than claim 1, patentably distinguish from Hayes and Vidal for at least the same reasons as claim 1. Claims 2, 3, 6, 8, 15-17, and 22 depend either from independent claims 1 or 21 and therefore patentably distinguish from Hayes and Vidal for at least the same reasons as claims 1 or 21. Applicants therefore request that the

Examiner withdraw the rejection of claims 1-3, 6, 8, 15-19, and 21-24 under 35 U.S.C. § 103(a) as being unpatentable over Hayes in view of Vidal.

Applicant respectfully traverses the rejection of claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Hayes in view of Vidal, and further in view of Novak. Independent claim 7 recites a control apparatus including “intensity detection means for detecting intensities of radio waves emitted from the plurality of information processing apparatuses, wherein the display means determines, based on the intensities, whether the control apparatus is out of a communication coverage with the information processing apparatuses, and increases the transparency of the corresponding operation screen gradually at predetermined times when the control apparatus is out of the communication coverage.” None of Hayes, Vidal, and Novak, taken individually or in combination, teaches or suggests this combination of elements.

The Examiner acknowledges that Hayes and Vidal do not teach or suggest “increas[ing] the transparency of the corresponding operation screen gradually at predetermined times,” as recited by claim 7. Office Action at 13. Novak discloses a “transparency value [can] be changed over time to fade the controls in smoothly when needed and fade them out smoothly when no longer needed.” Novak, paragraph 0057. But Novak is unrelated to “a control apparatus controlling an information processing apparatus” and detecting whether a device is “out of communication coverage,” as required by claim 7.

Further, none of Hayes, Vidal, and Novak, taken individually or in combination, teaches or suggests a “communication coverage including a defined vicinity to the control apparatus,” as required by claim 7.

Because none of Hayes, Vidal, and Novak, taken individually or in combination, teaches or suggests the claimed “display means” that “increases the transparency of the corresponding operation screen gradually at predetermined times when the control apparatus is out of the communication coverage, the communication coverage including a defined vicinity to the control apparatus,” no *prima facie* case of obviousness has been established for claim 7 (emphasis added). Applicant therefore requests that the Examiner withdraw the rejection of claim 7 under 35 U.S.C. § 103(a).

Applicant respectfully traverses the Examiner’s rejection of claims 5 and 9-13 under 35 U.S.C. § 103(a) as being unpatentable over Hayes in view of Vidal, and further in view of Hideyuki. Claims 5 and 9-13 depend from claim 1 and therefore include all of the elements recited therein. Hideyuki fails to cure the deficiencies of Hayes and Vidal discussed above, nor does the Examiner rely on Hideyuki for such teachings. Accordingly, the rejection of claims 5 and 9-13 is improper for at least the reasons discussed above with respect to claim 1.

Applicant respectfully traverses the Examiner’s rejection of claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Hayes in view of Vidal, and further in view of Van Ee. Independent claim 14 recites a control apparatus including “display means [that] displays in a larger frame a most recently used one of the operation screen for the information processing apparatus and the second information processing apparatus” (emphasis added). The cited references fail to teach or suggest the claimed “display means,” as recited by claim 14. Accordingly, Applicant requests the Examiner to withdraw the rejection of claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Hayes in view of Vidal, and further in view of Van Ee.

Applicant respectfully requests that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing the application in condition for allowance. Applicant submits that the proposed amendments of the claims would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing, Applicant requests the entry of this Amendment and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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